

(1) A letter containing all of the corrected information required, in accordance with the provisions of this section, to amend your declaration; or

(2) Both of the following:

(i) A new Certification Form; and

(ii) The specific form required for the declaration containing the corrected information required, in accordance with the requirements of this section, to amend your declaration.

§715.3 Declarations returned without action by BIS.

If you submit a declaration and BIS determines that the information contained therein is not required by the CWCR, BIS will return the original declaration to you, without action, accompanied by a letter explaining BIS's decision. In order to protect your confidential business information, BIS will not maintain a copy of any declaration that is returned without action. However, BIS will maintain a copy of the RWA letter.

§715.4 Deadlines for submitting UDOC declarations, no changes authorization forms, and amendments.

Declarations, no changes authorization forms, and amendments required under this part must be postmarked by the appropriate dates identified in Supplement No. 3 to this part 715 of the CWCR. Required documents under this part include:

(a) *Annual Declaration on Past Activities* (UDOC production during the previous calendar year);

(b) *No Changes Authorization Form* (may be completed and submitted to BIS when there are no changes to any information in your plant site's previously submitted annual declaration on past activities, except the certifying official and the dates signed and submitted); and

(c) Amended declaration.

SUPPLEMENT NO. 1 TO PART 715—DEFINITION OF AN UNSCHEDULED DISCRETE ORGANIC CHEMICAL

Unscheduled discrete organic chemical means any chemical: (1) Belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates identifiable by chemical name, by structural formula, if known, and by Chemical Abstract

Service registry number, if assigned; and (2) that is not contained in the Schedules of Chemicals (see Supplements No. 1 to parts 712 through 714 of the CWCR). Unscheduled discrete organic chemicals subject to declaration under this part are those produced by synthesis that are isolated for use or sale as a specific end-product.

NOTE: Carbon oxides consist of chemical compounds that contain only the elements carbon and oxygen and have the chemical formula C_xO_y , where x and y denote integers. The two most common carbon oxides are carbon monoxide (CO) and carbon dioxide (CO_2). Carbon sulfides consist of chemical compounds that contain only the elements carbon and sulfur, and have the chemical formula C_aS_b , where a and b denote integers. The most common carbon sulfide is carbon disulfide (CS_2). Metal carbonates consist of chemical compounds that contain a metal (i.e., the Group I Alkalies, Groups II Alkaline Earths, the Transition Metals, or the elements aluminum, gallium, indium, thallium, tin, lead, bismuth or polonium), and the elements carbon and oxygen. Metal carbonates have the chemical formula $M_d(CO_3)_e$, where d and e denote integers and M represents a metal. Common metal carbonates are sodium carbonate (Na_2CO_3) and calcium carbonate ($CaCO_3$). In addition, metal carbides or other compounds consisting of only a metal, as described in this Note, and carbon (e.g., calcium carbide (CaC_2)), are exempt from declaration requirements (see §715.1(a)(2)(ii)(D) of the CWCR).

SUPPLEMENT NO. 2 TO PART 715—EXAMPLES OF UNSCHEDULED DISCRETE ORGANIC CHEMICALS (UDOCs) AND UDOC PRODUCTION

(1) Examples of UDOCs not subject to declaration include:

(i) UDOCs produced coincidentally as by-products that are not isolated for use or sale as a specific end product, and are routed to, or escape from, the waste stream of a stack, incinerator, or waste treatment system or any other waste stream;

(ii) UDOCs, contained in mixtures, which are produced coincidentally and not isolated for use or sale as a specific end-product;

(iii) UDOCs produced by recycling (i.e., involving one of the processes listed in paragraph (3) of this supplement) of previously declared UDOCs;

(iv) UDOCs produced by the mixing (i.e., the process of combining or blending into one mass) of previously declared UDOCs; and

(v) UDOCs that are intermediates and that are used in a single or multi-step process to produce another declared UDOC.

(2) Examples of UDOCs that you must declare under part 715 of the CWCR include, but are not limited to, the following, unless

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they are not isolated for use or sale as a specific end product:

- (i) Acetophenone (CAS #98–86–2);
 - (ii) 6-Chloro-2-methyl aniline (CAS #87–63–8);
 - (iii) 2-Amino-3-hydroxybenzoic acid (CAS #548–93–6); and
 - (iv) Acetone (CAS #67–64–1).
- (3) Examples of activities that are not considered “production by synthesis” under part

715 of the CWC, which means the end products resulting from such activities would not be declared under part 715, are as follows:

- (i) Fermentation;
- (ii) Extraction;
- (iii) Purification;
- (iv) Distillation; and
- (v) Filtration.

SUPPLEMENT NO. 3 TO PART 715—DEADLINES FOR SUBMISSION OF DECLARATIONS, NO CHANGES AUTHORIZATION FORMS, AND AMENDMENTS FOR UNSCHEDULED DISCRETE ORGANIC CHEMICAL (UDOC) FACILITIES

| Declarations | Applicable forms | Due dates |
|---|--|--|
| Annual Declaration on Past Activities (previous calendar year)—Declared plant site. | Certification, UDOC, A (as appropriate), B (optional). | February 28 of the year following any calendar year in which the production of UDOCs exceeded the applicable declaration threshold in §715.1(a)(1) of the CWC. |
| No Changes Authorization Form (declaration required, but no changes to data contained in previously submitted annual declaration on past activities (previous calendar year)—Declared plant site. | No Changes Authorization Form | February 28 of the year following any calendar year in which the production of UDOCs exceeded the applicable declaration threshold in §715.1(a)(1) of the CWC. |
| Amended Declaration | Certification, UDOC, A (as appropriate), B (optional). | |
| —Declaration information | | —15 calendar days after change in information. |
| —Company information | | —30 calendar days after change in information. |
| —Post-inspection letter | | —45 calendar days after receipt of letter. |

PART 716—INITIAL AND ROUTINE INSPECTIONS OF DECLARED FACILITIES

SOURCE: 71 FR 24929, Apr. 27, 2006, unless otherwise noted.

§716.1 General information on the conduct of initial and routine inspections.

This part provides general information about the conduct of initial and routine inspections of declared facilities subject to inspection under CWC Verification Annex Part VI(E), Part VII(B), Part VIII(B) and Part IX(B). See part 717 of the CWC for provisions concerning challenge inspections.

(a) *Overview.* Each State Party to the CWC, including the United States, has agreed to allow certain inspections of declared facilities by inspection teams employed by the Organization for the Prohibition of Chemical Weapons (OPCW) to ensure that activities are consistent with obligations under the Convention. BIS is responsible for leading, hosting and escorting inspections of all facilities subject to the provisions of the CWC (see §710.2 of the CWC).

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- 716.1 General information on the conduct of initial and routine inspections.
- 716.2 Purposes and types of inspections of declared facilities.
- 716.3 Consent to inspections; warrants for inspections.
- 716.4 Scope and conduct of inspections.
- 716.5 Notification, duration and frequency of inspections.
- 716.6 Facility agreements.
- 716.7 Samples.
- 716.8 On-site monitoring of Schedule 1 facilities.
- 716.9 Report of inspection-related costs.
- 716.10 Post-inspection activities.

SUPPLEMENT NO. 1 TO PART 716—NOTIFICATION, DURATION, AND FREQUENCY OF INSPECTIONS

SUPPLEMENT NOS. 2–3 TO PART 716 [RESERVED]

AUTHORITY: 22 U.S.C. 6701 et seq.; E.O. 13128, 64 FR 36703, 3 CFR 1999 Comp., p. 199.